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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

QIANG LU,) No. C07-4221 SBA

Plaintiff,)

v.)

MICHAEL CHERTOFF, Secretary of the)
 Department of Homeland Security; EMILIO)
 T. GONZALEZ, Director, U.S. Citizenship)
 and Immigration Services; ROBERT S.)
 MUELLER, III, Director of the Federal)
 Bureau of Investigation;)
 ALBERTO R. GONZALES, Attorney)
 General of the United States;)
 CHRISTINA POULOS, Director, California)
 Service Center, U.S. Citizenship and)
 Immigration Services; GERARD)
 HEINAUER, Director, Nebraska Service)
 Center, U.S. Citizenship and Immigration)
 Services,)

Defendants.)

CLARIFYING BRIEF IN RESPONSE TO
 THE COURT'S ORDER DATED
 MARCH 12, 2008

Pursuant to the Court's Order dated March 12, 2008, Defendants hereby submit this clarifying brief.

Subject-matter jurisdiction is not waivable, and may be raised at any time. In re Kieslich, 258 F.3d 968, 970 (9th Cir. 2001); Hill v. Blind Indus. and Services of Maryland, 179 F.3d 754, 762 (9th Cir. 1999). Defendants ask the Court to dismiss Defendants Mukasey and Mueller from this action,

1 on the ground that the Court lacks jurisdiction to compel any action on their part. Defendants'
 2 Motion, p. 5; see Konchitsky v. Chertoff, No. C-07-00294 RMW, 2007 WL 2070325, at *6-7 (N.D.
 3 Cal. July 13, 2007) (stating "courts squarely addressing the issue of whether they have jurisdiction
 4 to compel the FBI to perform name checks . . . have overwhelmingly concluded that they do not.").
 5 In addition, Defendants ask the Court to dismiss the claims on behalf of Plaintiff's wife on two
 6 grounds, both of which go to the Court's jurisdiction over the subject matter of these claims. First,
 7 because Plaintiff is pro se, he cannot seek relief on her behalf. Defendants' Motion, p. 6-7; see C.E.
 8 Pope Equity Trust v. United States, 818 F.2d 696, 697 (9th Cir. 1987). Second, because her
 9 application is dependant upon his, it cannot be adjudicated at this time. Defendants' Motion, p. 6-7;
 10 see Kheiravar v. Chertoff, No. 07cv0143 JM, 2007 U.S. Dist. LEXIS 35390, at *5 (S.D. Cal.
 11 May 14, 2007) (dismissing beneficiary's claim for lack of subject matter jurisdiction).

12 Defendants also ask the Court to find that the delay in this case is not unreasonable, and that
 13 they are therefore entitled to summary judgment in their favor. Defendants' Reply, pp. 4-5; Clayton
 14 v. Chertoff, et al., No. 07-cv-02781-CW, 2007 WL 2904049 (N.D. Cal. Oct. 1, 2007); Dong v.
 15 Chertoff, 513 F. Supp. 2d 1158, 1171 (N.D. Cal. 2007).

16 Dated: March 14, 2008

Respectfully submitted,

JOSEPH P. RUSSONIELLO
 United States Attorney

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 20 /s/
 MELANIE L. PROCTOR
 Assistant United States Attorney
 Attorneys for Defendants